

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
CIVIL ACTION NO. 1:20-CV-00706 JAP/JHR

DIEGO TIJERINA,

Plaintiff.

v.

CIVIL ACTION NO. 1:20-CV-00706 JAP/JHR

STATE OF NEW MEXICO CORRECTIONS
DEPARTMENT, CHRIS MARQUEZ and JOSE
CORDERO,

Defendants.

DEPOSITION OF JOSE CORDERO

FRIDAY, JANUARY 8, 2021

9:00 A.M.

VIA ZOOM VIDEOCONFERENCING PLATFORM

PURSUANT TO THE NEW MEXICO RULES OF CIVIL
PROCEDURE, THIS DEPOSITION was taken by:

ALYSSA D. QUIJANO, ESQ.
Attorney for Plaintiff

REPORTED BY: Mary Therese Macfarlane, CCR
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<p style="text-align: right;">Page 50</p> <p>1 you said looks like a bus, right?</p> <p>2 A. Yes.</p> <p>3 Q. And so the inmates are all facing forward in</p> <p>4 seats.</p> <p>5 A. Yes.</p> <p>6 Q. And, again, these don't have seat belts, right?</p> <p>7 A. No.</p> <p>8 Q. Okay. And so this -- this is a diagram again</p> <p>9 that was created in Chris Marquez's deposition. And his</p> <p>10 memory is there were no inmates in this front row. Is</p> <p>11 that your memory, as well?</p> <p>12 A. Hmm. I believe there was -- (Note: Pause.)</p> <p>13 Yeah, there's nobody in the front, that's</p> <p>14 correct.</p> <p>15 Q. Okay. So there were eight inmates. You just</p> <p>16 counted 2, 4, 6, 8. Were there eight inmates in the</p> <p>17 transport?</p> <p>18 A. Yes.</p> <p>19 Q. And do you remember that or do you just remember</p> <p>20 from reading your report this morning?</p> <p>21 A. No, I remember we had eight inmates, because we</p> <p>22 have nobody in the front, unless we have to sit them in</p> <p>23 the front. But we usually don't sit them in the front</p> <p>24 row.</p> <p>25 Q. Okay. Why not?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No.</p> <p>2 Q. And then there is a cage at the very front here.</p> <p>3 So they could see out the front window, presumably?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then where -- okay. Where were you</p> <p>6 going on this transport? What was the route?</p> <p>7 A. Clayton.</p> <p>8 Q. Any stops in between Central and Clayton?</p> <p>9 A. No.</p> <p>10 Q. So one stop Central to Clayton. How long is</p> <p>11 that transport?</p> <p>12 A. I want to say five hours.</p> <p>13 Q. And Clayton, that is Northeastern New Mexico</p> <p>14 Detention Facility?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So when you did your inspection before</p> <p>17 getting on the van, was everything working?</p> <p>18 A. Yes.</p> <p>19 Q. The cameras were working?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. The cameras worked the entire transport?</p> <p>22 A. No.</p> <p>23 Q. Okay. What happened to the cameras?</p> <p>24 A. It went off, I want to say maybe an hour into</p> <p>25 our transport.</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Just in case, uh, we get, uh, cut off or we have</p> <p>2 to brake suddenly they don't hit the guard rail, the</p> <p>3 little divider.</p> <p>4 Q. Okay. Because again they don't have seat belts</p> <p>5 to hold them onto the seats, right?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And their handcuffs are at their waist, so can</p> <p>8 they brace themselves if there's an accident?</p> <p>9 A. Uh, some do.</p> <p>10 Q. How do they do that? I mean, I guess you can't</p> <p>11 really see, but their hands are like here, right?</p> <p>12 A. Yeah.</p> <p>13 Q. Do they have the ability to like hold onto</p> <p>14 something? Is there something for them to hold onto?</p> <p>15 A. The seat in the front.</p> <p>16 Q. Okay. But that's not as effective as a seat</p> <p>17 belt, though, right?</p> <p>18 A. What's that?</p> <p>19 Q. That's not as effective as a seat belt, though?</p> <p>20 A. No.</p> <p>21 Q. And there are windows on the side at eye level</p> <p>22 when standing, is Chris Marquez's memory. Is that right?</p> <p>23 A. Yes.</p> <p>24 Q. So when the inmates are seated they can't really</p> <p>25 see out the window next to them.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Any idea why?</p> <p>2 A. No.</p> <p>3 Q. Was it before or after the blowout that the</p> <p>4 cameras went off?</p> <p>5 A. Before.</p> <p>6 Q. Has that happened to you before?</p> <p>7 A. The cameras going out?</p> <p>8 Q. Yeah.</p> <p>9 A. Yes.</p> <p>10 Q. How often does that happen?</p> <p>11 A. Not that often.</p> <p>12 Q. When is the last time before this incident that</p> <p>13 the cameras just stopped working?</p> <p>14 A. I don't know.</p> <p>15 Q. How many times do you think that's happened to</p> <p>16 you?</p> <p>17 A. I don't know.</p> <p>18 Q. More than five?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. When the cameras stopped working, what</p> <p>21 did you do?</p> <p>22 A. I was driving. I was the driver, so Marquez was</p> <p>23 the one that was...</p> <p>24 Q. So Chris Marquez was driving, the cameras went</p> <p>25 out. Did he do anything?</p>

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1 there?
 2 A. Yes.
 3 Q. Okay. So it says: 4750 only for chase per D.W.
 4 Lytle.
 5 And D.W. stands for Deputy Warden?
 6 A. Yes.
 7 Q. What does "only for chase" mean? Do you know?
 8 MS. MOULTON: Objection to form.
 9 A. I don't know.
 10 Q. Okay. You've never heard that term before?
 11 A. For chase? I know what a chase is, but I don't
 12 know why only a chase.
 13 Q. What is a chase?
 14 A. It's another vehicle following a transport, a
 15 high-security transport.
 16 Q. Like a -- just like a back-up?
 17 A. Yes. Like, we use chase for Level 4 and up
 18 inmates.
 19 Q. And so the vehicles that are used for chase,
 20 does that vehicle have inmates in it?
 21 A. No.
 22 Q. So this vehicle now is only being used to follow
 23 vans that have inmates. Right?
 24 A. Correct.
 25 Q. It doesn't have inmates itself.

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1 A. No.
 2 Q. Okay. Do you know if that is because it's not
 3 fit to transport inmates anymore?
 4 MS. MOULTON: Objection to form.
 5 A. I don't know.
 6 Q. Would that make sense to you why they would
 7 decide to make that decision?
 8 A. I don't know.
 9 Q. Have you ever seen a van only be used to follow
 10 vans and not transport inmates?
 11 A. No.
 12 Q. You indicated that you didn't know if Van 5389
 13 had been repaired. Right?
 14 A. Correct.
 15 Q. All right. So this email again -- I'll scroll
 16 to the top so you can see -- it was sent on October 11th
 17 of 2019, and it indicates on Van 5389 the cameras are
 18 functional.
 19 Do you see that?
 20 A. Yes.
 21 Q. But they weren't functional on the entirety of
 22 your van ride. Right?
 23 A. Correct.
 24 Q. Did they fix the camera?
 25 A. I don't know.

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1 Q. If they haven't repaired the camera, if they
 2 haven't done any repairs to Van 5389 since your transport,
 3 presumably the camera would still be broken, right?
 4 A. Hmm.
 5 MS. MOULTON: Objection to form.
 6 A. I don't know.
 7 Q. Well, it was broken when it got to the garage,
 8 right?
 9 A. Yeah, it wasn't working.
 10 Q. So the camera footage that's taken, is that
 11 recorded?
 12 A. Yes.
 13 Q. And where is it stored?
 14 A. In the hard drive.
 15 Q. What does the hard drive look like?
 16 A. It's, uh, like a little black box that goes
 17 into, uh, I want to say maybe the brain of the computer
 18 area where it goes. And every, uh -- and there's just --
 19 it just goes in there.
 20 Q. Okay. And after every transport what do you do
 21 with the hard drive?
 22 A. We take it out and we set it on top of the
 23 supervisor's desk.
 24 Q. Okay. And what happens to the camera footage
 25 from Van 5389 on June 21st, 2019?

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1 MS. MOULTON: Objection: foundation.
 2 A. I don't know.
 3 Q. Why don't you know?
 4 A. I don't know because I didn't drive the van
 5 back.
 6 Q. So when you got back to Central was Van 5389
 7 also at Central?
 8 A. Yes.
 9 Q. And did you go into the van and take the hard
 10 drive out?
 11 A. No.
 12 Q. Did anyone else?
 13 A. I don't know.
 14 Q. Should someone have taken the hard drive out?
 15 A. I don't know.
 16 Q. Did your supervisor ask for the hard drive?
 17 A. No.
 18 Q. Why didn't you go get the hard drive from the
 19 van?
 20 A. I don't know.
 21 Q. Whose responsibility was it to get the hard
 22 drive from the van?
 23 A. If we would have driven the van back, it's ours.
 24 However, we didn't drive the van back. I don't know whose
 25 responsibility it is.

27 (Pages 102 to 105)